

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

JURY TRIAL DEMANDED

Janine Franklin, on behalf of her daughter, J.F., a minor.

**SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
(PERSONAL INJURY)**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of Actions specific to this case.¹

Plaintiff, by and through their undersigned counsel, allege as follows:

¹ If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (see paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

I. DESIGNATED FORUM²

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing:

United States District Court for the District of Colorado

(“Transferee District Court”).

II. IDENTIFICATION OF PARTIES

A. PLAINTIFF(S)

3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:
7429 East Easter Drive, Centennial, Colorado 80112

4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of consortium:

N/A

(“Consortium Plaintiff”).

5. *Survival and/or Wrongful Death Claims:*

(a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL related death:

N/A

(b) Plaintiff/Decedent died on:

N/A

(c) Plaintiff is filing this case in a representative capacity as N/A of N/A, having been duly appointed as such by the Court of N/A

² See Case Management Order No. 3, at II(C) (ECF No. 309).

1 **B. DEFENDANT(S)**

2 6. Plaintiff(s) name(s) the following Defendants in this action:

3

4 JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;³

5 ALTRIA GROUP, INC.;⁴

6 PHILIP MORRIS USA, INC.;⁵

7 ALTRIA CLIENT SERVICES LLC;⁶

8 ALTRIA GROUP DISTRIBUTION COMPANY;⁷

9 ALTRIA ENTERPRISES LLC;⁸

10

11 **THE MANGEMENT DEFENDANTS**

12 JAMES MONSEES;⁹

13 ADAM BOWEN;¹⁰

14 NICHOLAS PRITZKER;¹¹

15 HOYOUNG HUH;¹²

16 RIAZ VALANI;¹³

17

18

19 ³ Delaware corporation, with its principal place of business in San Francisco, California.

20

21 ⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

22 ⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

23 ⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

24 ⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

25 ⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

26 ⁹ A resident of California.

27 ¹⁰ A resident of California.

28 ¹¹ A resident of California.

¹² A resident of California.

¹³ A resident of California.

THE E-LIQUID MANUFACTURING DEFENDANTS

- MOTHER MURPHY'S LABS, INC.;¹⁴
- ALTERNATIVE INGREDIENTS, INC.;¹⁵
- TOBACCO TECHNOLOGY, INC.;¹⁶
- eLIQUITECH, INC.;¹⁷

THE DISTRIBUTOR DEFENDANTS

- MCLANE COMPANY, INC.;¹⁸
- EBY-BROWN COMPANY, LLC;¹⁹
- CORE-MARK HOLDING COMPANY, INC.;²⁰

THE RETAILER DEFENDANTS

- CHEVRON CORPORATION;²¹
- CIRCLE K STORES INC.;²²
- SPEEDWAY LLC;²³
- 7-ELEVEN, INC.;²⁴

¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

¹⁶ Maryland corporation, with a principal place of business in Maryland.

¹⁷ Maryland corporation, with a principal place of business in Maryland.

¹⁸ Texas corporation with a principal place of business in Texas

¹⁹ Delaware limited liability company with a principal place of business in Illinois.

²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

²¹ Delaware corporation with a principal place of business in California.

22. The corporation has a principal place of business in California.

Delaware corporation with a principal place of business in Ohio.

□ WALMART;²⁵

WALGREENS BOOTS ALLIANCE, INC.²⁶

C. PRODUCT USE

7. Plaintiff used JUUL during the time period including from September 2017 to the present and that use caused and or substantially contributed to his/her injury.

D. PHYSICAL INJURY²⁷

8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged to have been caused and or contributed to as a substantial factor by JUUL:

☒ ADDICTION

NICOTINE POISIONING

BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

☒ ANGER/OUTBURSTS

MOOD SWINGS

IRRITABILITY

SUICIDAL THOUGHTS

SUICIDAL ATTEMPTS

□ DEATH BY SUICIDE

OTHER (specify): _____ anxiety; hospitalization

COGNITIVE ISSUES (check all that apply):

□ ATTENTION DEFICIT DISORDER

□ LEARNING IMPAIRMENTS

²⁵ Delaware corporation with a principal place of business in Arkansas.

²⁶ Delaware corporation with a principal place of business in Illinois.

26 ²⁷ Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not
27 required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged
which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes
that emotional and psychological damages are asserted by the Plaintiff.

1 LACK OF CONCENTRATION
2 TROUBLE SLEEPING
3 OTHER (specify): academic trouble (dropped out of school)

4 CARDIOVASCULAR (check all that apply):
5 HEART ATTACK
6 OTHER CARDIOVASCULAR DIAGNOSIS (specify)

7 NEUROLOGIC (check all that apply):
8 SEIZURES
9 STROKE

10 RESPIRATORY/LUNG (check all that apply):
11 ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY EOSINOPHILIA
12 ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA
13 ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)
14 ASTHMA
15 BRONCHITIS
16 CHRONIC LUNG PROBLEMS
17 CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)
18 E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG INJURY (EVALI)
19 ESPHYSEMA
20 LIPOID PNEUMONIA
21 LUNG TRANSPLANT
22 OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE
23 PNEUMONIA (any type) (specify): _____
24 POPCORN LUNG/BRONCHIOLITIS OBLITERANS

25
26
27 DEATH
28

OTHER PERSONAL INJURIES (specify): _hair loss

9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about: February of 2018.

V. CAUSES OF ACTION ASSERTED

10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY -NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Check if Applicable	Cause of Action Number	Cause of Action
		<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below Colorado
		<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
		<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY
		<input type="checkbox"/>	XVII	WRONGFUL DEATH
		<input type="checkbox"/>	XVIII	SURVIVAL ACTION
		<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

VI. ADDITIONAL CAUSES OF ACTION

NOTE

If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

11. Plaintiff(s) assert(s) the following additional theories against the Defendants designated in paragraph 6 above:

[YOU MAY ATTACH ADDITIONAL PAGES, IF NECESSARY]

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants for compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully submitted,

MIGLICACCIO & RATHOD LLP

/s/ Esfand Nafisi
Esfand Nafisi (SBN: 320119)
Migliaccio & Rathod LLP
388 Market Street
Suite 1300
San Francisco, CA 94111
Tel: 415-489-7004
enafisi@classlawdc.com

Attorneys for Plaintiff